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DATE: January 13, 2005 **TIME:** _____
TO: Commissioner for Patents **YOUR REF:** 10/707,849
FROM: James T. Cronvich **OUR REF:** 2188.1
BY: James T. Cronvich **FAX:** 703-872-9306
TOTAL # OF PAGES (INCLUDING THIS PAGE) : 4

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1. Transmittal Form w/ Cert. of Transmission
2. Response (2 pages)

James T. Cronvich
Reg. 33163

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Subsidiaries:**Laitram Machinery, Inc.**
Food Processing Machinery**Intralox, L.L.C.**
Plastic Conveyor Belts**Industrial Microwave Systems, L.L.C.**
Heating and Drying Systems**Lapeyre Stair, Inc.**
Space-Saving Stairs**Laitram Machine Shop, L.L.C.**
Precision-Machined Components

PTO/SB/21 (02-04)

Approved for use through 07/31/2006, OMB 0651-0031
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| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 10/707,849 | |
| | Filing Date | 01/16/2004 | |
| | First Named Inventor | CORLEY | |
| | Art Unit | 3651 | |
| | Examiner Name | HESS, Douglas | |
| Total Number of Pages in This Submission | 3 | Attorney Docket Number | 2188.1 |

| ENCLOSURES (Check all that apply) | | |
|--|--|--|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) | <input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): |
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| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | |
|--|------------------------------|
| Firm or Individual name | James T. Cronvich Reg. 33163 |
| Signature | <i>James T. Cronvich</i> |
| Date | Jan. 13, 2005 |

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| Typed or printed name | James T. Cronvich |
| Signature | <i>James T. Cronvich</i> |
| Date | Jan. 13, 2005 |

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re the application of:

Andrew A. Corley et al.

Serial Number: 10/707,849

Filed: 01/16/2004

Docket No.: 2188.1

Examiner: Douglas A. Hess

Group Art Unit: 3651

FOR: MODULAR CONVEYOR BELTS WITH SPLIT BELT MODULES

Response to Office Action

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This timely responds to the Office Action dated October 21, 2004, in which the Examiner rejected claims 1-3, 5-9, 11-16, and 18 under 35 U.S.C. § 102(e) as being anticipated by Costanzo et al. (US 6,571,937). The Examiner objected to claims 4, 10, and 17. Claims 1-18 remain in the application. Applicant traverses the rejection.

The reference, US 6,571,937, issued on June 3, 2003 from an application filed on September 13, 2002. Applicants' current application is a divisional of US Serial No. 09/992,765, filed on November 6, 2001, as specifically referenced according to 37 C.F.R. § 1.78(a), in the Cross Reference to Related Applications and in the Continuing Data section of the Application Data Sheet filed with this application. The parent application, US Serial No. 09/992,765, issued as US Patent No. 6,681,922 on January 27, 2004. This application and its parent were co-pending from January 16, 2004, the filing date of this application, until January 27, 2004, the issue date of the parent. Furthermore, at least one of the inventors on the parent application is an inventor on

this application. Consequently, because the perfected priority claim under 35 U.S.C. § 120 entitles this application to an effective filing date of November 6, 2001, which is prior to the § 102(e) reference's effective date of September 13, 2002, the rejection of all the claims under 35 U.S.C. § 102(e) is improper and should be withdrawn.

Because this response is being filed within three months of the Office Action, no fee should be due. If, however, a fee is due, authorization to charge that fee to Deposit Account 12-0090 is given.

Respectfully submitted,
Andrew A. Corley et al.

Date: Jan 13, 2005

By: James T. Cronvich

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